

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,	)	
	)	
Plaintiff/Counter-	)	C. A. No. 04-901 (JJF)
Defendant,	)	
	)	
v.	)	
	)	
ILLUMINA, INC.,	)	
	)	
Defendant/Counter-	)	
Plaintiff.	)	

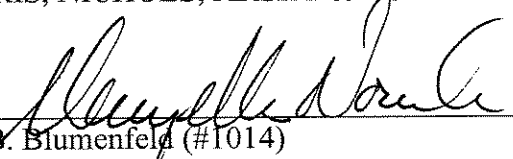
**NOTICE OF DEPOSITION OF ILLUMINA, INC.  
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Affymetrix, Inc. ("Affymetrix"), by and through its attorneys, will take the deposition of Illumina, Inc. ("Illumina") by oral examination at the Hilton San Diego Airport/Harbor Island Hotel, 1960 Harbor Island Drive, San Diego, California, 92101. Illumina is directed, pursuant to Federal Rule of Civil Procedure 30(b)(6), to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf with respect to the matters set forth in Attachment A.

The deposition will commence at 9:30 a.m. on October 17, 2005. The deposition will be recorded stenographically, with the capacity to provide instant visual display or playback of the testimony, and by video by an officer authorized to administer oaths. All counsel are invited to attend and examine the witness.

MORRIS, NICHOLS, ARSHT & TUNNELL



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September 20, 2005

483954

**ATTACHMENT A**

**DEFINITIONS**

Affymetrix hereby incorporates by reference the Definitions included in Affymetrix, Inc.'s First Set of Requests for Production of Documents, served on February 8, 2005, Affymetrix, Inc.'s Second Set of Requests for Production of Documents, served on March 30, 2005, and Affymetrix, Inc.'s Third Set of Requests for Production of Documents, served on July 20, 2005.

**AREAS OF TESTIMONY**

1. The identity, including name, title(s), role, and employment dates, if any, of each individual involved in the research and development of Illumina's BeadArray Array, Instrument, and Software products.
2. The role of Dr. Mark Chee at Illumina, including Dr. Chee's role in the founding of Illumina and the research and development of Illumina's BeadArray Arrays, Instruments, and Software.
3. The first date of commercial sale, and to whom such sale was made, of each of Illumina's BeadArray Array, Instrument, and Software products.
4. The identity of each of Illumina's customers who have purchased BeadArray Array, Instrument, and Software products.
5. The first date of pre-commercial placements (or beta-testing) of each of Illumina's BeadArray Array, Instrument, and Software products and the identity of each recipient of each pre-commercial placement.

6. The identity, including name, title(s), role, and employment dates, if any, of each individual involved in providing customer support to each customer who has purchased BeadArray Array, Instrument, and Software products.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2005, I electronically filed a Notice Of Deposition of Illumina, Inc. Pursuant To Fed. R. Civ. P. 30(b)(6) using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann, Esquire  
Mary B. Matterer, Esquire  
Morris, James, Hitchens & Williams LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, DE 19801

I hereby certify that on September 20, 2005, I have caused to be sent by Federal Express, the above-mentioned document to the following non-registered participants:

Marcus E. Sernel, Esquire  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, IL 60601

/s/ Maryellen Noreika  
Maryellen Noreika (#3208)  
MORRIS, NICHOLS, ARSHT & TUNNELL  
mnoreika@mnat.com